

**REMARKS**

**Formal Matters**

Claims 1-7 are all the claims pending in the present Application. The Examiner has examined claims 1-7.

Applicant thanks Examiner Nguyen for the courteous telephonic interview on July 24, 2007. An Examiner's Interview Summary Record (PTO-413) was not provided to the Applicant. Nevertheless, Applicant submits a Statement of Substance of the Interview. The Statement of Substance is as follows:

During the Interview, the Examiner's rejection of claim 1 was discussed. With regard to claim 1, Applicant's representatives explained the differences that exist between the present Application and the cited art of record. Specifically, Applicant's representatives disagreed with the Examiner's interpretation of the "information terminal unit [being] adapted to download or upload data from or to said content server through the plurality of mobile stations" limitation, as recited in claim 1.

Additionally, the Examiner maintained that Chern discloses "the data [being] divided into a plurality of pieces and each of the plurality of mobile stations upload[ing] or download[ing] only a portion of the plurality of pieces of the data" as recited in claim 1. Applicant's representatives respectfully disagreed.

In response, Applicant's representatives argued that Chern simply discloses a storing means on both the mobile handset and the server. As such, Chern can either store the data on the mobile handset or server. Next, data can be transferred from the server to the mobile unit and

vice-versa. However, Chern only discloses a single piece of data being sent through one base station to the mobile handset.

No agreement was reached with respect to claim 1.

### **Rejection Under 35 U.S.C. § 103**

The Examiner has rejected claims 1-7 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin, Jr. et al.(U.S. Patent 6,610,105) in view of Chern et al. (U.S. Patent No. 6,381,465). Applicant respectfully disagrees.

Initially, Applicant notes that the Examiner has not given the proper weight to the word “**mobile**” in the “plurality of **mobile** stations” limitation of claim 1. It is well known that, when examining the claims of an application, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” MPEP § 2143.03; see also *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Additionally, “[w]hen evaluating claims for obviousness under 35 U.S.C. § 103, **all the imitations of the claims must be considered and given weight**. MPEP § 2143.03; see also *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983) *aff’d mem.* 738 F.2d 453 (Fed. Cir. 1984).

The Examiner asserts that the “plurality of **base stations**,” making up the network 140 in Chern, correspond to the “plurality of **mobile stations**” of claim 1. This is simply incorrect.

With regard to “base stations,” Chern teaches that the base stations are **fixed**. Specifically, Chern teaches that “the position of handset 130 is determined by triangulating a signal from handset 130 with the **fixed locations** of two or more base stations.” For at least this reason, Applicant asserts that claim 1 is allowable over the cited art of record.

Moreover, with respect to claim 1, neither Martin nor Chern, teach or even suggest, at least “portable information terminal unit adapted to download or upload data from or to said content server through the plurality of mobile stations, wherein the data is divided into a plurality of pieces and each of the plurality of mobile stations uploads or downloads only a portion of the plurality of pieces of data.” In other words, according to one exemplary embodiment of the present invention, if data being stored on the server needs to be uploaded to the portable information terminal unit, the chosen data would be divided into a plurality of pieces, and each mobile station, making up the plurality of mobile stations, could only upload a portion of the plurality of pieces of data.

Instead, Chern simply describes splitting up the storage function between the server and the mobile handset. Specifically, Chern teaches “the program, or portions of it, could be stored on the server 136 and downloaded to the handset 130 as needed. (See Col. 13, ll. 15-22; see also, Office Action, page 8). That is, Chern simply discloses storing some data on the server and some on the mobile handset. For example, storing the necessary data on the mobile handset, and downloading any additional data from the server as needed.

During the Interview of July 24, 2007, the Examiner took the position that the “information terminal unit [being] adapted to download or upload data from or to said content server through the plurality of mobile stations,” as recited in claim 1, can be interpreted to mean that the information is passed through a plurality of base stations set up in a relay organization, i.e., from the server to one base station, from that base station to the next base station, and so on, until reaching the mobile handset. Applicant respectfully disagrees.

Under the Examiner's interpretation of claim 1, all of the data being sent from the portable terminal unit to the content server would initially have to be relayed by a single mobile terminal, regardless of whether the data would be relayed to another mobile terminal or to a content server.

However, as described above, according to one exemplary embodiment of the present invention, once the chosen data is divided into a plurality of pieces, each mobile station, making up the plurality of mobile stations, can only upload a portion of the plurality of pieces of data. The rest of the data would have to be uploaded by another mobile station, or stations. In other words, one mobile station cannot send all of the data, but at most can send a portion of the plurality of pieces of data. For at least this reason, Applicant respectfully asserts that the Examiner's interpretation of claim 1 is impermissibly broad. As such, Applicant respectfully asserts that claim 1 is allowable over the cited art of record.

With regard to independent claims 2-7, Applicant respectfully asserts that claims 2-7 are allowable for at least the reasons analogous to those recited with respect to claim 1.

## **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

This Application is being filed via the USPTO Electronic Filing System (EFS). Applicants herewith petition the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under

RESPONSE UNDER 37 C.F.R. § 1.116 AND  
STATEMENT OF SUBSTANCE OF INTERVIEW

Attorney Docket No. Q68279  
U.S. Application No. 10/058,805

37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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